

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**Timothy Maxwell
ID #63285
Section 27, Moscow Township
Muscatine County, Iowa**

ADMINISTRATIVE CONSENT ORDER

NO. 2008-AFO-06

**TO: Timothy Maxwell
1444 Iseff Ave
Moscow, Iowa 52760**

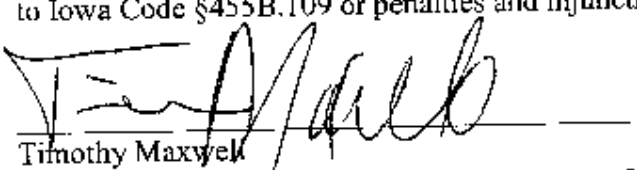
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by August 1, 2007. You were sent a notice of these requirements on May 17, 2007, June 11, 2007, and a Notice of Incomplete MMP on October 16, 2007. This notice contained a request that you submit the missing information within 10 days. On November 2, 2007, you were sent a notice, by certified mail, that the matter will be referred to the Department's Legal Services Bureau and on November 16, 2007, a complete MMP was submitted to the Department.

ORDER: In the future timely submit a complete MMP. Further, a penalty of \$2,500.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$500.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,000.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent three notices of the requirement and a notice of referral by the Department.


AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c", 567 IAC 65.17.

APPEAL: This Order is entered into knowingly by and with the consent of Timothy Maxwell. For that reason, Mr. Maxwell waives his right to appeal this Order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.


Timothy Maxwell

Dated this 13 day of Feb., 2008


Richard A. Leopold, DIRECTOR

Dated this 20 day of Feb., 2008

IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319

VIII. C.1; EPA, Carrie Schuenbaum, Ken Hossenius, Field Office 2

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